

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 LISA ANN BEASLEY,

4 Plaintiff

5 v.

6 WASHOE COUNTY SCHOOL DISTRICT,

7 Defendant
8

Case No.: 3:21-cv-00406-MMD-WGC

Order

Re: ECF No. 1

9 Plaintiff has filed an application to proceed *in forma pauperis* (IFP) and pro se
10 complaint. (ECF Nos. 1, 1-1.)

11 A person may be granted permission to proceed IFP if the person “submits an affidavit
12 that includes a statement of all assets such [person] possesses [and] that the person is unable to
13 pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense
14 or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

15 The Local Rules of Practice for the District of Nevada provide: “Any person who is
16 unable to prepay the fees in a civil case may apply to the court for authority to proceed [IFP].
17 The application must be made on the form provided by the court and must include a financial
18 affidavit disclosing the applicant’s income, assets, expenses, and liabilities.” LSR 1-1.

19 “[T]he supporting affidavits [must] state the facts as to [the] affiant’s poverty with some
20 particularity, definiteness and certainty.” *U.S. v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)
21 (quotation marks and citation omitted). A litigant need not “be absolutely destitute to enjoy the
22 benefits of the statute.” *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948).
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1 The IFP application appears to report that she and her husband have an annual income of
2 \$40,290. This works out to be \$3,357.50 per month; however, Plaintiff's list of expenses, which
3 includes a home loan, car, utilities, and a storage unit, totals \$1,212. This leaves \$2,145.50 in
4 monthly income, which would not qualify Plaintiff for IFP status.

5 As such, Plaintiff's IFP application is **DENIED WITHOUT PREJUDICE**. Within
6 thirty days of the date of this Order, Plaintiff must either file a new IFP application that
7 demonstrates she qualifies for IFP status, or pay the \$402 filing fee (\$350 filing fee plus \$52
8 administrative fee).

9 **IT IS SO ORDERED.**

10 Dated: January 5, 2022

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12 William G. Cobb
13 United States Magistrate Judge
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